

PATENT

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being faxed to
Examiner Smith, at (703) 308-4242 on October 22, 1997.

Signed:

Judy Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERMAN, et al.

SERIAL NO.: 08/459,141

FILING DATE: 2 June 1995

TITLE: VACCINE BASED ON
MEMBRANE-BOUND
PROTEINS AND
PROCESS FOR MAKING
THEM

Examiner: L. Smith

Art Unit: 1813

NOTICE OF APPEAL FROM THE
EXAMINER TO THE BOARD OF
PATENT APPEALS AND
INTERFERENCES

#14
82098
11-19-97

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and interferences
from the decision dated 23 April 1997 of the Examiner rejecting claims 10-23.

The items checked below are appropriate:

[X] Applicant hereby petitions for an Extension of Time, and encloses the fee of:

		<u>Small Entity</u>	<u>Large Entity</u>
<input type="checkbox"/>	One Month	\$55.00	
<input type="checkbox"/>	One Month		\$110.00
<input type="checkbox"/>	Two Months	\$200.00	
<input type="checkbox"/>	Two Months		\$400.00
<input type="checkbox"/>	Three Months	\$475.00	
[X]	Three Month		\$950.00
<input type="checkbox"/>	Four Months	\$755.00	
<input type="checkbox"/>	Four Months		\$1,510.00

[X] The fee for filing this Notice of Appeal (37 CFR §1.17(e)).

<input type="checkbox"/>	Notice of Appeal Fee	\$155.00
[X]	Notice of Appeal Fee	\$310.00

Notice of Appeal Total: \$310.00

TOTAL FEES **\$1260.00**

[X] Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.

☐ A check for the amount of **TOTAL FEES DUE** indicated above.

[X] The Commissioner is hereby authorized to charge \$1260.00 to cover the payment of the fee(s) indicated below to Deposit Account No. 06-1300. (Order No. A-54528-9/WHD/DAV).

[X] The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 06-1300.

[X] Any filing fees under 37 CFR 1.1 including fees for the presentation of extra claims.

[X] Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Date: October 22, 1997

Reg no 39054
Dolly Vance for
Walter H Dreger
Reg. No. 24,190

Flehr Hohbach Test
Albritton and Herbert LLP
Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989

**FLEHR
HOHBACH
TEST
ALBRITTON
& HERBERT**

LLP Intellectual Property Law

FACSIMILE TRANSMITTAL SHEET

Telephone: (415) 781 1989

Fax: (415) 398-3249

4 Embarcadero Center
Suite 3400

San Francisco, CA
94111-4187

October 22, 1997

TO: Examiner L. Smith

Group Art Unit 1813

TELECOPIER

NUMBER: 703/308-4242

FROM:

DOLLY A. VANCE

NUMBER OF PAGES (including transmittal sheet): 29

If you do not receive clear copies of any pages, please let us know.

Attached please find a three month extension of time, an Amendment under 37 C.F.R. 1.116 (with Exhibit A attachment) and a Notice of Appeal for Serial No. 08/459,141 filed 2 June 1995.

IMPORTANT/CONFIDENTIAL: This facsimile communication is intended only for the use of the individual or entity to which it is addressed. The following pages contain information which may be privileged and/or confidential. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering the facsimile to the intended recipient, you are hereby notified that any disclosure of the contents, or dissemination or distribution of this facsimile to others, or copying of this communication, is strictly prohibited. If you have received this communication in error, please telephone us immediately at (415) 781-1989 and return all copies of this facsimile to us by mail. We thank you for your cooperation.

APPROVED

RECEIVED
10/22/97

180